

**SENATE JOURNAL
63RD LEGISLATURE
THIRTY-SIXTH LEGISLATIVE DAY**

Helena, Montana
February 18, 2013

Senate Chambers
State Capitol

Senate convened at 1:01 p.m. President Essmann presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senators Blewett, Jent, and Priest, excused. Quorum present.

BILLS AND JOURNALS (Buttrey, Chair):

2/18/2013

Correctly printed: **SB 118, SB 185, SB 198, SB 230, SB 245, SB 252, SB 334, SB 335, SB 336, SB 337, SB 338, SB 339, SB 340, SB 341, SB 342, SB 343, SB 344, SB 345, SB 346, SB 347, SJR 17, SR 8, HB 36, HB 77, HB 152, HB 155, HB 169, HB 192, HB 193.**

Correctly engrossed: **SB 217, SB 235.**

Correctly enrolled: **SB 51, SB 65, SB 73.**

Examined by the sponsor and found to be correct: **SB 51, SB 65, SB 73.**

Transmitted to the House: **SB 14, SB 81, SB 114, SB 139, SB 189, SB 192, SB 197, SB 238.**

Signed by the Secretary of the Senate at 3:25 p.m., February 18, 2013: **SB 51, SB 65, SB 73.**

President Lincoln, as portrayed by Harry Fritz of Missoula, briefly addressed the Senate on this Presidents' Day holiday.

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (Peterson, Chair):

2/15/2013

SB 191, do pass. Report adopted.

SB 199, introduced bill, be amended as follows:

1. Page 1, line 16 through line 17.

Following: "incurred" on line 16

Strike: "and" on line 16 through "accrued" on line 17

2. Page 1, line 18.

Following: "repair,"

Insert: "and"

Following: "maintenance"

Strike: ", and depreciation"

3. Page 2, line 1.

Following: "district"

Insert: "for levies approved prior to [the effective date of this act]"

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4. Page 2, line 5.

Following: "budgeted"

Insert: "pursuant to levies approved prior to [the effective date of this act]"

5. Page 2, line 16 through line 17.

Strike: ", including" on line 16 through "(3)" on line 17

6. Page 2, line 24 through line 25.

Strike: "to fund" on line 24 through "levy" on line 25

7. Page 2, line 26.

Following: "(1)(c)"

Insert: "or to seek relief from the obligation of tracking depreciation of equipment under a levy approved prior to [the effective date of this act]"

And, as amended, do pass. Report adopted.

SB 203, introduced bill, be amended as follows:

1. Page 2, line 12.

Strike: "1209 and 1211"

Insert: "12301(d) and 12304"

2. Page 4, line 3.

Strike: "1209 and 1211"

Insert: "12301(d) and 12304"

And, as amended, do pass. Report adopted.

SB 257, introduced bill, be amended as follows:

1. Page 2, line 17.

Strike: ":",

2. Page 2, line 18.

Strike: "(a)"

3. Page 2, line 19.

Strike: "establish"

Insert: "adopt"

Strike: ", to adopt"

Insert: "and"

4. Page 2, line 20.

Following: "title"

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Strike: " 2 "

5. Page 2, line 20 through line 23.

Strike: "; and" on line 20 through "rules" on line 23

And, as amended, do pass. Report adopted.

SB 291, do pass. Report adopted.

SJR 13, do pass. Report adopted.

LOCAL GOVERNMENT (Buttrey, Chair):

2/15/2013

SB 54, introduced bill, be amended as follows:

1. Title, line 6 through line 10.

Strike: "REQUIRING" on line 6 through "COMPENSATION;" on line 10

2. Title, line 13.

Strike: "7-33-2109" through "15-10-420,"

3. Page 1, line 19.

Strike: "2014"

Insert: "2015"

4. Page 1, line 23 through page 2, line 10.

Strike: subsection (3) through subsection (5) in their entirety

Renumber: subsequent subsection

5. Page 2, line 16.

Strike: "2014"

Insert: "2015"

6. Page 2, line 27 through page 3, line 27.

Strike: section 2 through section 4 in their entirety

Renumber: subsequent sections

7. Page 4, line 8.

Following: "coverage"

Insert: "or workers' compensation coverage"

8. Page 4, line 13.

Strike: "only"

Insert: "meeting the provisions of subsection (1) or for workers' compensation coverage"

9. Page 4, line 18 through page 9, line 8.

Strike: section 6 through section 10 in their entirety

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Renumber: subsequent sections

10. Page 21, line 23.

Following: "No. 1"

Insert: "or plan No. 2"

11. Page 21, line 26.

Strike: "plan No. 2 or"

12. Page 21, line 28.

Following: "No. 1"

Insert: "or plan No. 2"

13. Page 22, line 25.

Strike: "[Sections 1, 3, and 4] are"

Insert: "[Section 1] is"

14. Page 22, line 27.

Strike: "[sections 1, 3, and 4]"

Insert: "[section 1]"

15. Page 22, line 28 through line 30.

Strike: subsection (2) in its entirety

Renumber: subsequent subsection

16. Page 22, line 30.

Strike: "14"

Insert: "6"

17. Page 23, line 1.

Strike: "14"

Insert: "6"

And, as amended, do pass. Report adopted.

NATURAL RESOURCES (Vincent, Chair):

2/15/2013

SB 19, do pass. Report adopted.

SB 233, introduced bill, be amended as follows:

1. Page 1, line 12.

Following: "including"

Insert: "but not limited to an intentional"

Following: "remove"

Insert: "or allow the removal of"

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And, as amended, do pass. Report adopted.

SB 278, introduced bill, be amended as follows:

1. Page 9, line 12.

Strike: "UT of North Fork Box Creek"

Insert: "UT of Box Creek, North Fork"

2. Page 17, line 12.

Following: "identified"

Insert: "in"

And, as amended, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

2/16/2013

HB 179, introduced by Randall

HB 317, introduced by Hunter

HB 323, introduced by Cuffe

MOTIONS

Senator Dick Barrett moved to reconsider third-reading action on **SB166**, and place it on third reading tomorrow, February 19, 2013, the thirty-seventh legislative day. The motion **failed** as follows:

Yeas: Augare, Barrett Dick, Caferro, Driscoll, Facey, Hamlett, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.

Total 19

Nays: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.

Total 28

Absent or not voting: None.

Total 0

Excused: Blewett, Jent, Priest.

Total 3

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FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 348, introduced by Thomas, referred to Education and Cultural Resources.

SB 349, introduced by F. Moore, referred to Agriculture, Livestock and Irrigation.

The following Senate resolutions were introduced, read first time, and referred to committee:

SR 9, introduced by Windy Boy, referred to Education and Cultural Resources.

SR 10, introduced by Vincent, referred to Natural Resources.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Hamlett in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 114 - Senator Augare moved **HB 114** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy.

Total 44

Nays: Webb, Wittich, Mr. President.

Total 3

Absent or not voting: None.

Total 0

Excused: Blewett, Jent, Priest.

Total 3

HB 115 - Senator Boulanger moved **HB 115** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich,

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Webb, Windy Boy.

Total 40

Nays: D. Brown, Fielder, Keane, Walker, Wanzenried, Wittich, Mr. President.

Total 7

Absent or not voting: None.

Total 0

Excused: Blewett, Jent, Priest.

Total 3

HB 138 - Senator Van Dyk moved **HB 138** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy.

Total 42

Nays: Boulanger, Fielder, Sales, Wittich, Mr. President.

Total 5

Absent or not voting: None.

Total 0

Excused: Blewett, Jent, Priest.

Total 3

HB 141 - Senator Sonju moved **HB 141** be concurred in. Motion carried as follows:

Senator Arntzen disclosed a conflict of interest.

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jergeson, Jones, Keane, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Tropila, Tutvedt, Vincent, Vuckovich, Webb, Windy Boy, Mr. President.

Total 38

Nays: Jackson, Kaufmann, Malek, Sales, Thomas, Van Dyk, Walker, Wanzenried, Wittich.

Total 9

Absent or not voting: None.

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Total 0

Excused: Blewett, Jent, Priest.

Total 3

HB 202 - Senator Stewart-Peregoy moved **HB 202** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 47

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Blewett, Jent, Priest.

Total 3

HB 18 - Senator Sesso moved **HB 18** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy.

Total 43

Nays: Barrett Debby, Fielder, Wittich, Mr. President.

Total 4

Absent or not voting: None.

Total 0

Excused: Blewett, Jent, Priest.

Total 3

SB 236 - Senator Olson moved **SB 236** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Brenden, T. Brown, Buttrey, Caferro, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek,

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Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju,
Stewart-Peregoy, Tropila, Tutvedt, Vincent, Vuckovich, Wanzenried, Webb, Windy Boy.
Total 37

Nays: Boulanger, D. Brown, Driscoll, Facey, Taylor, Thomas, Van Dyk, Walker, Wittich, Mr.
President.
Total 10

Absent or not voting: None.
Total 0

Excused: Blewett, Jent, Priest.
Total 3

SB 56 - Senator Jent, sponsor. Senator Tutvedt moved **SB 56** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich, Mr. President.
Total 46

Nays: Webb.
Total 1

Absent or not voting: None.
Total 0

Excused: Blewett, Jent, Priest.
Total 3

Senator Wittich moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Essmann presiding. Chair Hamlett moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 47

Nays: None.
Total 0

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Absent or not voting: None.

Total 0

Excused: Blewett, Jent, Priest.

Total 3

MOTIONS

Senator Arthun moved that **SB 185** be taken from third reading this date and returned to the State Administration committee. Without objection, so ordered.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 118 passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, Buttrey, Caferro, Hamlett, Jackson, Jones, Keane, Lewis, Malek, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Taylor, Thomas, Tropila, Vincent, Vuckovich, Webb, Windy Boy, Wittich, Mr. President.

Total 31

Nays: Augare, T. Brown, Driscoll, Facey, Fielder, Jergeson, Kaufmann, Larsen, Moore, Murphy, Sonju, Stewart-Peregoy, Tutvedt, Van Dyk, Walker, Wanzenried.

Total 16

Absent or not voting: None.

Total 0

Excused: Blewett, Jent, Priest.

Total 3

SB 252 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 45

Nays: Facey, Tropila.

Total 2

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Absent or not voting: None.

Total 0

Excused: Blewett, Jent, Priest.

Total 3

SB 230 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 47

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Blewett, Jent, Priest.

Total 3

HB 155 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Dick, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Rosendale, Sesso, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy, Mr. President.

Total 32

Nays: Barrett Debby, Boulanger, Brenden, D. Brown, Fielder, Jackson, Moore, Ripley, Sales, Sonju, Taylor, Vincent, Walker, Webb, Wittich.

Total 15

Absent or not voting: None.

Total 0

Excused: Blewett, Jent, Priest.

Total 3

SB 198 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T.

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Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Blewett, Jent, Priest.
Total 3

HB 36 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Blewett, Jent, Priest.
Total 3

HB 152 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 47

Nays: None.
Total 0

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Absent or not voting: None.

Total 0

Excused: Blewett, Jent, Priest.

Total 3

HB 192 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 47

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Blewett, Jent, Priest.

Total 3

MOTIONS

Senator Debby Barrett moved to change her third-reading vote on **SB 14** from Yes to No. Without objection, so ordered. [Vote change reflected in previous day's journal.]

SPECIAL ORDERS OF THE DAY

Senator Taylor introduced the pages for the week:

Brennan Andrews, Polson
Tanner Block, Missoula
Teah Fuller, Anaconda
Colette Poetzi, Billings
Rachel Sales, Bozeman
Amanda Underkofler, Bozeman

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

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Majority Leader Wittich moved that the Senate adjourn until 1:00 p.m., Tuesday, February 19, 2013, the thirty-seventh legislative day. Motion carried.

Senate adjourned at 2:00 p.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate